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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

PATRICIA JORDAN
aka PATRICIA PENAMON
5302 Harvest Gold Drive
Stockton, CA 95219

Case No. 2004-103

OAH No. N2003120446

Registered Nurse License No. 549443

Respondent.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 10, 2004.

It is so ORDERED June 10, 2004.

Sandra L. Erickson

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

ORIGINAL

BILL LOCKYER, Attorney General
of the State of California
MAUREEN MCKENNAN STRUMPFER, State Bar No. 161571
Deputy Attorney General
California Department of Justice
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
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Attorneys for Complainant

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2004-103

PATRICIA JORDAN
aka PATRICIA PENAMON
5302 Harvest Gold Drive
Stockton, CA 95219

OAH No. N2003120446

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Registered Nurse License No. 549443

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Ruth Ann Terry, M.P.H., R.N. (Complainant) is the Executive Officer of
the Board of Registered Nursing. She brought this action solely in her official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by
Maureen McKennan Strumpfer, Deputy Attorney General.

2. PATRICIA JORDAN (Respondent) is representing herself in this
proceeding and has chosen not to exercise her right to be represented by counsel.

3. On or about November 3, 1998, the Board of Registered Nursing issued
Registered Nurse License No. 549443 to PATRICIA JORDAN, also known as Patricia Penamon

///

1 (Respondent). The License was in full force and effect at all times relevant to the charges
2 brought in Accusation No. 2004-103 and will expire on September 30, 2004, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2004-103 was filed before the Board of Registered
5 Nursing (Board), Department of Consumer Affairs, and is currently pending against Respondent.
6 The Accusation and all other statutorily required documents were properly served on Respondent
7 on December 1, 2003. Respondent timely filed her Notice of Defense contesting the Accusation.
8 A copy of Accusation No. 2004-103 is attached as exhibit A and incorporated herein by
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 2004-103. Respondent has also carefully read, and understands the effects of
13 this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2004-103.

26 9. Respondent agrees that her Registered Nurse License is subject to
27 discipline and she agrees to be bound by the Board's imposition of discipline as set forth in the
28 Disciplinary Order below.

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1 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other
2 applications thereof, shall not be affected. Each condition of this Order shall separately be valid
3 and enforceable to the fullest extent permitted by law.

4 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws.
5 A full and detailed account of any and all violations of law shall be reported by Respondent to
6 the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of
7 compliance with this condition, Respondent shall submit completed fingerprint forms and
8 fingerprint fees within 45 days of the effective date of the decision, unless previously submitted
9 as part of the licensure application process.

10 **Criminal Court Orders:** If Respondent is under criminal court orders, including
11 probation or parole, and the order is violated, this shall be deemed a violation of these probation
12 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

13 2. **Comply with the Board's Probation Program.** Respondent shall fully
14 comply with the conditions of the Probation Program established by the Board and cooperate
15 with representatives of the Board in its monitoring and investigation of the Respondent's
16 compliance with the Board's Probation Program. Respondent shall inform the Board in writing
17 within no more than 15 days of any address change and shall at all times maintain an active,
18 current license status with the Board, including during any period of suspension.

19 Upon successful completion of probation, Respondent's license shall be fully
20 restored.

21 3. **Report in Person.** Respondent, during the period of probation, shall
22 appear in person at interviews/meetings as directed by the Board or its designated
23 representatives.

24 4. **Residency, Practice, or Licensure Outside of State.** Periods of
25 residency or practice as a registered nurse outside of California shall not apply toward a reduction
26 of this probation time period. Respondent's probation is tolled, if and when she resides outside
27 of California. Respondent must provide written notice to the Board within 15 days of any change
28 ///

1 of residency or practice outside the state, and within 30 days prior to re-establishing residency or
2 returning to practice in this state.

3 Respondent shall provide a list of all states and territories where she has ever been
4 licensed as a registered nurse, vocational nurse, or practical nurse. Respondent shall further
5 provide information regarding the status of each license and any changes in such license status
6 during the term of probation. Respondent shall inform the Board if she applies for or obtains a
7 new nursing license during the term of probation.

8 5. **Submit Written Reports.** Respondent, during the period of probation,
9 shall submit or cause to be submitted such written reports/declarations and verification of actions
10 under penalty of perjury, as required by the Board. These reports/declarations shall contain
11 statements relative to Respondent's compliance with all the conditions of the Board's Probation
12 Program. Respondent shall immediately execute all release of information forms as may be
13 required by the Board or its representatives.

14 Respondent shall provide a copy of this Decision to the nursing regulatory agency
15 in every state and territory in which she has a registered nurse license.

16 6. **Function as a Registered Nurse.** Respondent, during the period of
17 probation, shall engage in the practice of registered nursing in California for a minimum of 24
18 hours per week for 6 consecutive months or as determined by the Board.

19 For purposes of compliance with the section, "engage in the practice of registered
20 nursing" may include, when approved by the Board, volunteer work as a registered nurse, or
21 work in any non-direct patient care position that requires licensure as a registered nurse.

22 The Board may require that advanced practice nurses engage in advanced practice
23 nursing for a minimum of 24 hours per week for 6 consecutive months or as determined by the
24 Board.

25 If Respondent has not complied with this condition during the probationary term,
26 and Respondent has presented sufficient documentation of her good faith efforts to comply with
27 this condition, and if no other conditions have been violated, the Board, in its discretion, may
28 grant an extension of Respondent's probation period up to one year without further hearing in

1 order to comply with this condition. During the one year extension, all original conditions of
2 probation shall apply.

3 **7. Employment Approval and Reporting Requirements.** Respondent
4 shall obtain prior approval from the Board before commencing or continuing any employment,
5 paid or voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
6 performance evaluations and other employment related reports as a registered nurse upon request
7 of the Board.

8 Respondent shall provide a copy of this Decision to her employer and immediate
9 supervisors prior to commencement of any nursing or other health care related employment.

10 In addition to the above, Respondent shall notify the Board in writing within
11 seventy-two (72) hours after she obtains any nursing or other health care related employment.
12 Respondent shall notify the Board in writing within seventy-two (72) hours after she is
13 terminated or separated, regardless of cause, from any nursing, or other health care related
14 employment with a full explanation of the circumstances surrounding the termination or
15 separation.

16 **8. Supervision.** Respondent shall obtain prior approval from the Board
17 regarding Respondent's level of supervision and/or collaboration before commencing or
18 continuing any employment as a registered nurse, or education and training that includes patient
19 care.

20 Respondent shall practice only under the direct supervision of a registered nurse
21 in good standing (no current discipline) with the Board of Registered Nursing, unless alternative
22 methods of supervision and/or collaboration (e.g., with an advanced practice nurse or physician)
23 are approved.

24 Respondent's level of supervision and/or collaboration may include, but is not
25 limited to the following:

26 (a) Maximum - The individual providing supervision and/or collaboration is
27 present in the patient care area or in any other work setting at all times.

28 (b) Moderate - The individual providing supervision and/or collaboration is in

1 the patient care unit or in any other work setting at least half the hours Respondent works.

2 (c) Minimum - The individual providing supervision and/or collaboration has
3 person-to-person communication with Respondent at least twice during each shift worked.

4 (d) Home Health Care - If Respondent is approved to work in the home health
5 care setting, the individual providing supervision and/or collaboration shall have person-to-
6 person communication with Respondent as required by the Board each work day. Respondent
7 shall maintain telephone or other telecommunication contact with the individual providing
8 supervision and/or collaboration as required by the Board during each work day. The individual
9 providing supervision and/or collaboration shall conduct, as required by the Board, periodic, on-
10 site visits to patients' homes visited by Respondent with or without Respondent present.

11 9. **Employment Limitations.** Respondent shall not work for a nurse's
12 registry, in any private duty position as a registered nurse, a temporary nurse placement agency, a
13 traveling nurse, or for an in-house nursing pool.

14 Respondent shall not work for a licensed home health agency as a visiting nurse
15 unless the registered nursing supervision and other protections for home visits have been
16 approved by the Board. Respondent shall not work in any other registered nursing occupation
17 where home visits are required.

18 Respondent shall not work in any health care setting as a supervisor of registered
19 nurses. The Board may additionally restrict Respondent from supervising licensed vocational
20 nurses and/or unlicensed assistive personnel on a case-by-case basis.

21 Respondent shall not work as a faculty member in an approved school of nursing
22 or as an instructor in a Board approved continuing education program.

23 Respondent shall work only on a regularly assigned, identified and predetermined
24 worksite(s) and shall not work in a float capacity.

25 If Respondent is working or intends to work in excess of 40 hours per week, the
26 Board may request documentation to determine whether there should be restrictions on the hours
27 of work.

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1 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall
2 enroll and successfully complete a course(s) relevant to the practice of registered nursing no later
3 than six months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the
5 course(s). Respondent shall submit to the Board the original transcripts or certificates of
6 completion for the above required course(s). The Board shall return the original documents to
7 Respondent after photocopying them for its records.

8 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with
9 its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$ 675.00 (Six Hundred and Seventy-Five Dollars). Respondent shall be permitted to
11 pay these costs in a payment plan approved by the Board, with payments to be completed no later
12 than three months prior to the end of the probation term.

13 If Respondent has not complied with this condition during the probationary term,
14 and Respondent has presented sufficient documentation of her good faith efforts to comply with
15 this condition, and if no other conditions have been violated, the Board, in its discretion, may
16 grant an extension of Respondent's probation period up to one year without further hearing in
17 order to comply with this condition. During the one year extension, all original conditions of
18 probation will apply.

19 12. **Violation of Probation.** If Respondent violates the conditions of her
20 probation, the Board after giving Respondent notice and an opportunity to be heard, may set
21 aside the stay order and impose the stayed discipline (revocation/suspension) of Respondent's
22 license.

23 If during the period of probation, an accusation or petition to revoke probation has
24 been filed against Respondent's license or the Attorney General's Office has been requested to
25 prepare an accusation or petition to revoke probation against Respondent's license, the
26 probationary period shall automatically be extended and shall not expire until the accusation or
27 petition has been acted upon by the Board.

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1 13. **License Surrender.** During Respondent's term of probation, if she ceases
2 practicing due to retirement, health reasons or is otherwise unable to satisfy the conditions of
3 probation, Respondent may surrender her license to the Board. The Board reserves the right to
4 evaluate Respondent's request and to exercise its discretion whether to grant the request, or to
5 take any other action deemed appropriate and reasonable under the circumstances, without
6 further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent
7 will no longer be subject to the conditions of probation.

8 Surrender of Respondent's license shall be considered a disciplinary action and
9 shall become a part of Respondent's license history with the Board. A registered nurse whose
10 license has been surrendered may petition the Board for reinstatement no sooner than the
11 following minimum periods from the effective date of the disciplinary decision:

12 (1) Two years for reinstatement of a license that was surrendered for any
13 reason other than a mental or physical illness; or

14 (2) One year for a license surrendered for a mental or physical illness.

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DATED: 1-14-04

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Exhibit A
Accusation No. 2004-103

ORIGINAL

1 BILL LOCKYER, Attorney General
of the State of California
2 MAUREEN MCKENNAN STRUMPFER, State Bar No. 161571
Deputy Attorney General
3 California Department of Justice
1300 I Street, Suite 125
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5 Telephone: (916) 445-2069
Facsimile: (916) 327-8643
6
7 Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2004-103

12 **PATRICIA JORDAN**
13 **a.k.a PATRICIA PENAMON**
5302 Harvest Gold Drive
Stockton, California 95219

A C C U S A T I O N

14 Registered Nurse License No. 549443

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation
20 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,
21 Department of Consumer Affairs.

22 2. On or about November 3, 1998, the Board of Registered Nursing (Board)
23 issued Registered Nurse License Number 549443 to Patricia Jordan (Respondent) also known as
24 Patricia Penamon (name on original license). The Registered Nurse License was in full force and
25 effect at all times relevant to the charges brought herein and will expire on September 30, 2004,
26 unless renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Criminal Conviction)

3 8. Respondent is subject to disciplinary action under Code sections 2761(f)
4 and 490 in that on or about May 31, 2002, she was convicted by the court on her plea of guilty of
5 violating Penal Code section 415, an amended charge (Fighting in a Public Place/Loud
6 Unreasonable Noise, and Use of Offensive Words in Public), in San Joaquin County Superior
7 Court, Case Number SM222089A, in the criminal proceeding entitled People vs. Patricia
8 Penamon, a crime substantially related to the qualifications, functions or duties of a registered
9 nurse. Respondent was placed on probation for five years and ordered, inter alia, to refrain from
10 supervising children except as incident to her employment as a nurse. The circumstances of the
11 crime were that on or about November 6, 2001, respondent physically struck her foster child,
12 Kenya S., resulting in injuries to the child.

13 **SECOND CAUSE FOR DISCIPLINE**

14 (Unprofessional Conduct)

15 9. Respondent is subject to disciplinary action under Code section 2761(a) on
16 the grounds of unprofessional conduct as follows:

17 A. Effective on or about October 17, 2003, following an administrative
18 hearing, the Department of Social Services (Department) revoked and decertified respondent's
19 Certificate of Approval to operate a certified family home and excluded respondent from
20 employment in, presence in, and from contact with clients of any facility licensed by the
21 Department for violations of the Departments' client's personal rights, physical abuse, a
22 substantially related conviction and conduct inimical pursuant to the statutes and regulations
23 related to Department licensure. The circumstances were that respondent operated a certified
24 family home at her residence and became a foster parent to two children. On or about November
25 6, 2001, respondent physically struck her foster daughter, Kenya S., was arrested, and
26 subsequently convicted as set forth above in paragraph 8.

27 B. Respondent's criminal conviction and the circumstances surrounding
28 her conviction, as alleged above in paragraph 8, constitute unprofessional conduct.

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PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 549443, issued to Patricia Jordan;

2. Ordering Patricia Jordan to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 11/10/03


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant